

### REMARKS

Claims 1-5 are pending in the application.

Claim 1 has been amended to clarify the patentable subject matter. Support for the amended feature in claim 1 is found on page 8, line 22 through page 9, line 1; page 9, lines 5-10; page 12, lines 12-18 of the instant specification. No new matter has been introduced by the requested amendment to claim 1.

Claims 1-5 are rejected under 35 USC 103 as being unpatentable over U.S. Patent 6,441,856 (Sugimoto) in view of U.S. Patent 5,223,935 (Tsuji et al.). Applicants respectfully traverse the rejections for at least the following reasons.

Sugimoto teaches a digital camera for taking a picture of an object by making a flash lamp perform a major light-emission. More specifically, Sugimoto discloses a mode selection for selecting either an automatic light-emission mode or a forced (i.e., manual) light-emission mode (see col. 8, lines 13-17 of the patent).

According to Sugimoto, in the automatic light-emission mode, "if it is determined that the shutter release button 36 is depressed by the operator whereby the shutter release instruction is inputted to the microcomputer 32 in the step S3, the microcomputer 32 first starts the exposure adjustment operation. That is, the microcomputer 32 applies a shutter speed setting signal to the timing generator 18 so as to initialize the shutter speed into 1/250 second as a middle speed in a step S5" (emphasis added; please see col. 8, lines 59-66 and Fig. 7 of the patent). Clearly, Sugimoto teaches initializing a shutter speed to middle speed.

In sharp contrast to Sugimoto, Applicants' invention includes a feature of "making an initial setting of a shutter speed of said camera to the slowest possible value in order to utilize external illumination other than illumination of said illumination unit" as recited in claim 1

(emphasis added). Unarguably, Sugimoto teaches away from Applicants' invention as defined by claim 1.

Similarly, in the forced (i.e., manual) light-emission mode, Sugimoto teaches the same initialization for shutter speed (step S65) as in the automatic mode described above (see col. 12, lines 26-29 and Fig. 10 of the patent). Once again, Sugimoto teaches away from Applicants' invention as defined by claim 1.

Furthermore, Sugimoto teaches "the first control means exposes the picture taking means without the light-emission of the flash lamp, therefore, the first non-emission luminance evaluation value is obtained from the evaluation means" (emphasis added; see col. 2, lines 17-20 of the patent). Namely, in both modes of operation, whether automatic or forced (i.e., manual), the flash lamp 38 is initialized to non-emission time (please see col. 10, lines 36-40 of the patent).

In stark contrast to Sugimoto, Applicants' invention includes a feature of "the initial setting of a duration of illumination of said illumination unit is set to the shortest time which can provide sufficient amount of light for image processing" as recited in claim 1 (emphasis added). Once again, Sugimoto teaches away from Applicants' invention.

According to the Final Office Action, Tsuji is relied upon only for the proposition of "the sum total luminance value of all pixels in a field is compared to a predetermined threshold to see if they exceed the threshold." Even if, for the sake of argument, it is assumed that Tsuji does teach that feature, Tsuji still does not disclose the above features of Applicants' invention as recited in claim 1. Thus, this patent fails to supplement Sugimoto to cure its deficiencies as discussed hereinabove.

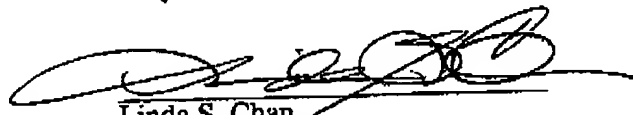
It is, therefore, respectfully submitted that Sugimoto and Tsuji, whether alone or in combination, do not render obvious Applicants' claim 1. Withdrawal of the rejection is respectfully requested.

Claims 2-5 depend, either directly or indirectly, from independent claim 1 and inherit all of its features. Since claim 1 is allowable as discussed above, at least for those reasons claims 2-5 are also allowable by virtue of their dependency. Withdrawal of the rejections of claims 2-5 is, therefore, earnestly solicited.

An earnest effort has been made to be fully responsive to the Examiner's rejections. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Passage of this application to allowance is earnestly solicited. However, if for any reason this application is not considered to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

We respectfully request that all fees relating to this application be charged to Deposit Acct. No. 50-1290.

Respectfully submitted,



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